

THE HONORABLE BENJAMIN H. SETTLE

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

JAMES A. BIGELOW,

Plaintiff,

vs.

NORTHWEST TRUSTEE SERVICES,  
INC.; GREEN TREE SERVICING, LLC;  
MORTGAGE ELECTRONIC  
REGISTRATION SYSTEMS, Inc.;  
WRIGHT, FINLAY & ZAK, LLP; TICOR  
TITLE COMPANY; NATIONWIDE TITLE  
CLEARING; FIRST AMERICAN TITLE  
INSURANCE COMPANY; RENEE  
PARKER; and DOE DEFENDANTS 1 – 20,

Defesndants.

Case No.: 3:14-cv-05798-BHS

**RESPONSE TO DEFENDANTS'  
MOTION TO STRIKE PLAINTIFF'S  
COMPLAINT FOR ANTI-SLAPP  
VIOLATIONS (DKT 60)**

NOW COMES the Plaintiff, James A. Bigelow (Hereinafter "Mr Bigelow"), who submits this Response to Wright, Finlay, & Zak, LLP and Renee Parker, Esq. (Hereinafter collectively "Defendants") Motion to Strike Plaintiff's Complaint for Anti-SLAPP Violations, and states:

1. Mr. Bigelow objects to the Defendant's Motion to Strike Plaintiff's Complaint for Anti-SLAPP Violations (Dkt 60) which is procedurally improper, is meant to engage Mr. Bigelow, who is not an attorney, into legal sparring.

REPLY TO ANTI-SLAPP VIOLATIONS  
Case No.: 3:14-cv-05798-BHS

James A. Bigelow  
7916 Southwind Circle  
Huntington Beach CA 92648  
360-790-2568

- 1 2. The Washington Anti-SLAPP Law is intended to protect [citizens of the State of  
2 Washington]. Defendants' are neither citizens of the State of Washington, nor do they  
3 reside in the State of Washington. RCW 4.24.525 is "based upon an action involving  
4 public participation [and] petition." Mr. Bigelow's civil complaint does not involve public  
5 participation and petition. Therefore, Defendant's cannot pretend to hide behind RCW  
6 4.24.525. Defendant's are not entitled to any protections provided for in RCW 4.24.525
- 7 3. In March 2010, the Washington State Legislature passed its act limiting Strategic  
8 Lawsuits Against Public Participation (RCW 4.24.525). The new act fills a critical void in  
9 Washington's protection of free speech expression [and] petition rights. The Washington  
10 Act protects the free speech expressions of [Washington Citizens] by shielding them from  
11 meritless lawsuits designed only to incur costs and chill future expressions. Although the  
12 Washington Act shares many identical provisions with the California Statute,  
13 Washington's act does include important deviations from the California model. A review  
14 of the Washington Act's deviations reveal a specific intent to reject certain aspects of the  
15 California Law. Among these specific rejections is the California's Law's broader  
16 coverage of protected free expression. While California protects expression related to  
17 "issues of public *interest*," the Washington Act protects expression related only to "issues  
18 of public *concern*." Washington Courts interpreting this important provision should reject  
19 California case law and embrace the "public concern" test established by the United States  
20 Supreme Court in *Connick v Myers*, a test that already occupies solid ground in  
21 Washington case law.
- 22 4. Defendant's, in their arguments, are making legal conclusions that Mr. Bigelow's  
23 complaint is frivolous and is in retaliation. Mr. Bigelow alleges and believes that the  
24  
25

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1 Defendants have acted on their own and without any authority from Green Tree Servicing  
2 (Hereinafter "GTS"), to such a degree that it was necessary to enjoin them into this action.  
3 All of which will be proved at trial.

- 4 5. The Defendants are trying to persuade this Court that is action is about an alleged debt.  
5 That could not be further from the truth. Mr. Bigelow's complaint is about all the  
6 Defendant's unlawful behavior related to the collection an alleged debt that GTS believes  
7 they are entitled to. Although Mr. Bigelow has asked for validation of this alleged debt, he  
8 is still not in receipt of any validation that entitles GTS to any payments from Mr.  
9 Bigelow. Mr. Bigelow sent a Qualified Written Request to GTS and received an alleged  
10 copy of a note endorsed to Country Wide Bank, N.A. Mr. Bigelow sent a debt validation  
11 notice to GTS and received an alleged copy of a note endorsed to Country Wide Bank,  
12 N.A. After Mr. Bigelow filed his complaint, Renee Parker, Esq. filed into the record a  
13 note that now somehow has a blank endorsement. This note differs from two alleged  
14 copies of a note sent directly from GTS. Somehow Defendant's believe that RCW  
15 4.24.525 applies and that they are entitled to protection under RCW 4.24.525 without  
16 being a citizen of Washington State thus denying Mr. Bigelow his right to bring his case  
17 to trial and to prove that Defendants have acted on their own. Defendant's then proceed to  
18 argue the California Anti-Slapp law making improper use of California case law in the  
19 State of Washington. Enjoining Defendants has nothing to do with their filing of a judicial  
20 foreclosure. Enjoining Defendants has nothing to do with their alleged representation as  
21 counsel for any party. It is based upon their unauthorized misrepresentations which does  
22 not invoke any anti-SLAPP violation even in California.  
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1 6. The Defendants are attempting to engage in burden shifting without establishing by a  
2 required preponderance of evidence that naming them in a lawsuit is based upon activity  
3 by Mr. Bigelow that involves public participation [and] petition. See *Bevans v Myers*,  
4 Wash Court of Appeals (2014).

5 WHEREFORE, Mr. Bigelow moves this court Deny the Defendants Motion to Strike Mr.  
6 Bigelows Complaint for Anti-Slapp Violations (RCW 4.24.525), an award of \$10,000  
7 pursuant to RCW 4.24.525(6)(a)(ii) payable by each Defendant, and such additional relief as  
8 the Court determines to be necessary to deter repetition of the conduct and comparable  
9 conduct by others similarly situated.  
10

11 Dated this 6<sup>th</sup> Day of April, 2015  
12

13 /s/ James A. Bigelow  
14 James A. Bigelow

15 **CERTIFICATE OF SERVICE**

16 I CERTIFY UNDER PENALTY OF PERJURY under the laws of the State of  
17 Washington that the foregoing is true and correct and that a copy of the foregoing has been  
18 electronically provided to Renee M. Parker, Esq., Joseph H. Marshall, Esq., Thomas F.  
19 Peterson, Esq., and Matt Adamson, Esq.

20 Executed this 6<sup>th</sup> day of April, 2015.

21 /s/ James A. Bigelow  
22 James A. Bigelow  
23  
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